

ARTICLE 13**ACCESSORY USES, BUILDINGS AND STRUCTURES****§ 13.01. GENERAL REQUIREMENTS FOR ACCESSORY USES AND STRUCTURES.**

Except as may be specifically provided otherwise in this ordinance, the following provisions shall apply to accessory uses and structures in all zones; provided, however, that except for the improvement coverage requirements herein, this article shall not apply to parking, signs and other accessory structures regulated elsewhere in this ordinance when such regulations expressly or by clear implication supersede those in this article:

- A. **General location of accessory structures and uses.** Accessory buildings, structures and uses shall be located on the same lot as the principal building, structure or use to which they are accessory, unless specifically permitted otherwise by this ordinance. [Amended 5-11-1999 by Ord. No. 1734]
- B. **Distance from principal building.** All accessory buildings and other roofed accessory structures shall be either attached to the principal building in a substantial manner as set forth in Subsection C. below, or detached from the principal building. If detached, accessory buildings and other roofed accessory structures shall be located at least ten (10) feet, or the height of said accessory structure, whichever is greater, from any principal building located on the same lot.
- C. **Accessory buildings attached to principal buildings.** Accessory buildings and other roofed accessory structures which are attached to a principal building by a common wall, abutting wall or roof shall be subject to the same regulations applicable to said principal building, unless the plain meaning of the applicable text clearly indicates that the principal building regulation is not intended to apply to the accessory structure, or unless said accessory structure is specifically exempted from the principal building regulation.
- D. **Maximum floor area.** The gross floor area of buildings or roofed structures accessory to a residential use shall not exceed seven hundred and fifty (750) square feet. The gross floor area of buildings or roofed structures accessory to a non-residential use shall not exceed the gross floor area of the principal building. Nothing contained herein shall be construed to permit a floor area ratio greater than otherwise permitted in the zone district or for the specific use.
- E. **Front yard and street side yard location.** No accessory building or above-grade structure, except as set forth below, shall be

permitted in any front yard or street side yard. **[Amended 11-21-06 by Ord. No. 1878]**

1. In all residential zones: flag poles and basketball backboards.
2. In all non-residential zones: flag poles.
3. Fences, freestanding walls or retaining walls as regulated in § 12.07 and § 12.08.

F. **Side yard location.** Except for such accessory buildings, structures, or uses which are permitted only in the rear yard as provided by this ordinance, accessory buildings, above-grade structures and uses may be located within any side yard or rear yard. Accessory buildings, above-grade structures and uses located in the side yard shall comply with the side yard requirements applicable to principal buildings; provided, however, that this requirement shall not apply to fences, freestanding walls and retaining walls located in the side yard; such improvements shall be subject to the provisions in § 12.07 and § 12.08, as applicable. None of the foregoing shall be construed as an exemption from any applicable buffer requirements in this ordinance between different uses or zones.

G. **Rear yard location.** Accessory buildings and above-grade accessory structures shall be located as set forth below; provided, however, that this requirement shall not apply to fences, freestanding walls and retaining walls located in the rear yard; such improvements shall be subject to the provisions in § 12.07 and § 12.08, as applicable. None of the following shall be construed as an exemption from any applicable buffer requirements in this ordinance between different uses or zones:

1. Residential uses in residential zone districts. Buildings and above-grade structures in the rear yard accessory to residential uses in the residential zone districts shall be located as follows:
 - a. *Accessory structures up to 500 square feet coverage.* Except as otherwise provided in paragraph a. above, accessory buildings and above-grade structures having a coverage of less than or equal to five hundred (500) square feet shall be located at least five (5) feet from the side and rear lot lines. Notwithstanding the foregoing, when such accessory buildings or above-grade structures are located in that portion of the rear yard which abuts a front or side yard on an adjacent property, the building or structure shall be located at least ten (10) feet from such front yard or side yard.

- b. *Accessory structures greater than 500 square feet coverage.* Except as otherwise provided in paragraph a. above, accessory buildings and above-grade structures having a coverage greater than five hundred (500) square feet shall be located at least ten (10) feet from the side and rear lot lines. Notwithstanding the foregoing, when such accessory buildings or above-grade structures are located in that portion of the rear yard which abuts a front or side yard on an adjacent property, the building or structure shall be located from such front yard or side yard a distance equal to or greater than the interior side yard setback requirement applicable to principal buildings.
- 2. Non-residential uses and zone districts. Buildings and above-grade structures in the rear yard in non-residential zone districts, or accessory to non-residential uses in the residential zone districts shall be located as follows:
 - a. *Accessory buildings up to 500 square feet coverage.* Except as otherwise provided in paragraph a. above, accessory buildings and above-grade structures having a coverage of less than or equal to five hundred (500) square feet shall be located at least five (5) feet from the side and rear lot lines. Notwithstanding the foregoing, when such accessory buildings or above-grade structures are located in that portion of the rear yard which abuts a front or side yard on an adjacent property, the building or structure shall be located at least ten (10) feet from such front yard or side yard.
 - b. *Accessory buildings greater than 500 square feet coverage.* Except as otherwise provided in paragraph a. above, accessory buildings and above-grade structures having a coverage greater than five hundred (500) square feet shall be set back from the side and rear lot lines a distance equal to or greater than ten feet (10) feet, or one half ($\frac{1}{2}$) the yard requirement applicable to principal buildings, whichever is greater.
- H. **Coverage by accessory buildings and above-grade structures.** Except as may be otherwise provided in this ordinance, the total coverage by all accessory buildings and above-grade structures in the rear yard shall not exceed twenty-five percent (25%) of the area of the rear yard. The foregoing coverage restriction shall

not be construed as permitting the total coverage by buildings and above-grade structures or the total coverage by improvements on the lot to exceed the maximum coverage permitted in the particular zone district or for the particular use, as applicable, or as excluding such coverage in the rear yard from the calculation of total coverage by buildings and above-grade structures on the lot, or as excluding such coverage from the calculation of total coverage by improvements on the lot.

I. **Maximum height.** The height of accessory buildings and structures shall comply with the following:

1. Residential zone districts. No accessory building or structure in the residential zone districts, except antennas and flag poles, shall exceed the height of the principal building or structure, or a height of fifteen (15) feet, whichever shall result in a lesser height.
2. Non-residential zone districts. No accessory building or structure in the non-residential zone districts, except antennas and flag poles, shall exceed the height of the principal building or structure, or a height of twenty-five (25) feet, whichever shall result in a lesser height.

J. **Use for dwelling prohibited.** No accessory building or structure shall be used as a dwelling unit.

§ 13.02. SPECIAL PROVISIONS FOR CERTAIN RESIDENTIAL ACCESSORY USES AND STRUCTURES.

In addition to the general requirements for all accessory buildings, structures, or uses set forth in § 13.01, the following requirements shall be met for the following specific residential accessory buildings, structures or uses:

- A. **Private garages.** Detached private garages accessory to a principal building shall be located only in the rear yard.
- B. **Sheds.** Sheds, as defined in Article 2, shall comply with the following:
 1. Sheds shall be permitted only in the rear yard.
 2. Sheds shall not be larger than one hundred fifty (150) square feet in floor area, nor greater than ten (10) feet in height and no premises shall have more than one shed, regardless of its size.

- C. **Decks.** Decks are accessory structures and are subject to the provisions of this article. In addition to the general requirements for all accessory buildings, structures or uses listed in § 13.01, the following specific requirements shall apply to decks in all residential zones and accessory to any residential use in a non-residential zone:
1. Yard location. Decks shall be permitted only in the rear yard.
 2. Setback requirements. Decks shall be set back from the side lot lines a distance equal to or greater than the distance required for principal buildings and shall be set back at least twenty-five (25) feet to any rear lot line.
 3. Coverage by decks. Lot coverage by decks shall be regulated as set forth in § 12.04F and G.
 4. Lighting. Artificial lighting shall be permitted; provided that any lighting shall be placed so as to eliminate the transmission of glare to adjoining properties or to adjoining streets and provided further that such lighting shall be located higher than six (6) feet above the elevation of the deck floor.
 5. Subfloor areas. The space between the floor of the deck and the ground shall be screened with appropriate plantings or shrubbery or shall be covered with a skirt of lattice or other material so that open space between the deck and the ground, if any, is not visible. Skirts or lattices shall have at least one (1) inch and no more than three (3) inches of ground clearance and shall provide a method of human access under the deck or raised patio.
- D. **Private swimming pools.** Private swimming pools shall comply with the following:
1. Use. Private swimming pools shall be designed and intended only for the private use of the occupants of the premises and their guests as a swimming pool.
 2. Where permitted. Private swimming pools are permitted only in the residential zone districts.
 3. Location. Swimming pools shall be permitted only in the rear yard. The swimming pool shall not be closer than fifteen (15) feet from any side or rear property line.

On corner lots, the swimming pool shall be set back from the side street line a distance at least equal to the street side yard setback requirement for a principal building or to the established front yard setback of the lot adjacent to the rear lot line of the lot on which the swimming pool is located, whichever is greater.

4. Lighting. Artificial lighting shall be permitted below the surface of the water and at a height not to exceed six (6) feet above grade level and any lighting above grade level shall be placed so as to eliminate the transmission of glare to adjoining properties or to adjoining streets.
5. Enclosure and screening. The pool shall be enclosed by a stockade, board on board or other solid fence, but not chain link, which fence shall be not less than six (6) feet in height.
6. Other provisions of law. All other provisions of State law and local ordinance with respect to swimming pools shall be complied with.
7. Exclusions. Hot tubs, wading pools, landscape pools and fish pools are not swimming pools and are not required to meet the specific requirements of this subsection, but are considered to be accessory uses and must meet all other applicable requirements of this article.

E. **Hot tubs**. Hot tubs are required to meet all the general requirements for accessory uses as set forth in this section, provided the following additional requirements shall be complied with:

1. Hot tubs shall be permitted only in the rear yard.
2. In the event a hot tub is located within or adjacent to a deck, the hot tub shall be required to comply with the requirements for decks.
3. In the event a hot tub is constructed as a freestanding structure, the hot tub shall be subject to the same setback requirements applicable to swimming pools.
4. Hot tubs installed outside a building shall have a hard permanent lockable cover which must be kept closed and locked when not in use.

F. **Game courts**. Game courts involving a ball in play, such as but not limited to private tennis courts, racquetball courts, paddleball courts, platform tennis courts, handball courts, basketball courts and similar recreational facilities shall be subject to the following:

1. Location. The recreational facilities included in this subsection shall be permitted only in the rear yard.
 2. Coverage by recreational facilities. Except as may be otherwise provided in this ordinance, and notwithstanding the provisions of § 13.01H, the total coverage by accessory buildings and above-grade structures in the rear yard shall be permitted to exceed twenty-five percent (25%) of the area of the rear yard, up to a maximum of forty percent (40%) of the rear yard; provided, however, that such excess above twenty-five percent (25%) is limited to coverage by a permitted recreational facility. The foregoing coverage restriction shall not be construed as permitting the total coverage by buildings and above-grade structures or the total coverage by improvements on the lot to exceed the maximum coverage permitted in the particular zone district or for the particular use, as applicable, or as excluding such coverage in the rear yard from the calculation of total coverage by buildings and above-grade structures on the lot, or as excluding such coverage from the calculation of total coverage by improvements on the lot.
 3. Setback. The recreational facility shall not be closer than fifteen (15) feet from any side or rear property line. On corner lots, the recreational facility shall be set back from the side street line a distance equal to or greater than the street side yard setback requirement for a principal building, or to the established front yard setback of the lot adjacent to the rear lot line of the lot on which the recreational facility is located, whichever is greater.
 4. Enclosures. The height of the recreational facility enclosure, if there be one, shall not exceed fifteen (15) feet. In the event the enclosure is greater than six (6) feet high, the enclosure shall comply with the setbacks applicable to recreational facilities in Paragraph 3. above. Enclosures shall be of open chain link construction, shall not include slats or coverings, and shall include a top rail.
 5. Lighting. No artificial lighting is permitted.
- G. **Antennas**. Antennas are permitted and regulated as set forth in § 13.04.
- H. **Other miscellaneous residential accessory uses and structures**. The following regulations shall apply as specified:

1. Wading pools, sandboxes, trellises, seasonal temporary tents, dog houses, kennel enclosures, patios, grape arbors, permanent barbecue facilities, bird feeders and bird houses and other structures or uses customarily associated with residential uses shall all be set back from any property line at least five (5) feet and shall not be located in the front, street side or side yards; provided, however, that patios may be located in any side yard. **[Amended 11-21-06 by Ord. No. 1878]**
2. Vegetable gardens shall be located only in the rear yard.
3. Tree houses 1) shall not be higher than fifteen (15) feet from the ground to the top of the tree house, 2) shall not be less than ten (10) feet from any property line, and 3) shall not be located in the front, street side or side yards. **[Amended 11-21-06 by Ord. No. 1878]**
4. Bocci courts shall not be located in the front, street side or side yards and shall be at least five (5) feet from any property line. **[Amended 11-21-06 by Ord. No. 1878]**
5. Playground equipment 1) shall not be located in the front, street side or side yard, 2) shall be no higher than fifteen (15) feet above the ground, and 3) shall be at least five (5) feet from any property line. **[Amended 11-21-06 by Ord. No. 1878]**
6. Air conditioners and heat pumps, or portions thereof, which are not mounted in the window or walls of a building or structure but are placed upon the ground or on a ground-based platform outside of a structure or building may be located in any yard; provided, however, that such structures shall be at least five (5) feet from any property line and shall be screened from view from adjacent property at ground line or from public view from any street at ground level with sufficient plantings and/or fencing.
7. Flagpoles shall not be higher than forty-five (45) feet and shall be set back at least ten (10) feet from any property line and the principal structure on the lot.
8. Basketball backboards located within or adjacent to a driveway shall not be more than fifteen (15) feet high and shall be set back at least five (5) feet from the rear and side property lines and at least twenty (20) feet from the front property line.
9. Mailboxes; artwork; gate posts; portable barbecues and planters shall be exempt from the provisions of this article and any other provision of this ordinance.

10. Skateboard ramps. Any structure or ramp designed for use with skate boards, whether on a temporary or permanent foundation, is prohibited in all residential zone districts.
11. Other uses and structures. The Zoning Officer shall determine the applicability of this ordinance to accessory uses and structures for residential use which are not specifically regulated herein.

§ 13.03. NON-RESIDENTIAL ACCESSORY USES AND STRUCTURES.

- A. **General prohibitions.** Except for air conditioner units, flag poles, fences, freestanding walls, retaining walls, sheds, mobile storage structures and antennas, which are permitted under certain conditions as set forth in this article and other articles, the accessory uses and structures specifically set forth in § 13.02 are prohibited in all non-residential zones, except when such use and structures are accessory to a permitted residential use in the P-1, P-2 and GB-3 zone districts.
- B. **Mobile storage structures.** Mobile storage structures as defined in Article 2 are permitted as accessory uses in the GB-2, GB-3 and C zone district. The following regulations shall apply:
 1. Mobile storage structures may be located only on property which abuts the right of way of the railroad.
 2. Mobile storage structures shall be located only on lots with a principal building or structure and only in the rear yard.
 3. Mobile storage structures shall not be placed or stacked more than two (2) units in height, and shall not exceed a maximum height of sixteen (16) feet above the ground.
 4. Mobile storage structures shall be screened by fencing or planting of appropriate height and density to screen them from view from a public street at ground level.
- C. **Skateboard ramps.** Any structure or ramp designed for use with skate boards, whether on a temporary or permanent foundation, is prohibited in all non-residential zone districts.
- D. **Pump canopies for gasoline filling stations and gasoline service stations.** A canopy for the provision of shelter over the gasoline pumps shall be permitted as an accessory structure to a gasoline filling station or gasoline service station, subject to the following requirements:

1. The area covered by the canopy shall not exceed five hundred (500) square feet per fuel dispenser to be covered.
2. The top of the canopy shall not exceed eighteen (18) feet in height above the grade beneath the canopy.
3. The canopy shall be located no closer to any front property line than thirty-five (35) feet.
4. The canopy shall be located no closer to any side or rear property line than fifteen (15) feet.
5. There shall be no signs permitted on the canopy or canopy supports.
6. The only lighting permitted for the canopy shall be ceiling fixtures oriented downward toward the pumps. The canopy facade shall not be illuminated in any manner. The maintained horizontal illumination level from the canopy ceiling fixtures shall not exceed one half (0.5) footcandle at any property line.

§ 13.04. ANTENNAS, EARTH STATIONS, SATELLITE DISHES AND SIMILAR EQUIPMENT.

Radio and television antennas, including satellite dish antennas, accessory to a permitted principal structure on the same premises may be installed, erected and maintained within all districts, but only in accordance with the provisions of this section; provided, however, exempt antennas as defined in Article 2 shall be exempt from the provisions of this article and any other provision of the Land Use Ordinance. Cellular telecommunications antennas are regulated as a conditional use in Article 18, and shall also be exempt from the provisions of this section.

A. **Review and approval procedure.** All antennas shall be subject to the review and approval of the Zoning Officer. Applications shall be subject to the following procedure:

1. Each application shall be accompanied by a report prepared by the installer of the antenna explaining why the proposed location was selected over other locations and the reasons, with supporting data, for any requested deviation from the requirements of this section as to location or screening.
2. When deemed necessary by the Zoning Officer, the Town may consult, at the applicant's expense, with an expert in the field of antenna installations for guidance in evaluating an applicant's report when a deviation from the requirements of this section is requested. The applicant shall post a fee calculated by the Zoning Officer, but not to exceed \$500.00, to cover such expense, in the form of

cash or a certified check, and against which such review expenses shall be charged. All sums not actually so expended shall be returned to the applicant at the time the permit is either issued or denied.

3. The Zoning Officer may permit deviations from the requirements of this section when it is demonstrated by the applicant that such deviations are necessary to enable proper antenna reception.

B. **General regulations.** The following general regulations shall apply to antennas in residential or non-residential districts:

1. The antenna array shall be located entirely within the rear yard. Guy wires shall be anchored within the rear yard, and may be attached to a building.
2. Ground-mounted antennas shall be any antenna with its base mounted directly in the ground, even if such antenna is supported or attached to the wall of a building. Fixed-guyed antenna tower shall be fascia-mounted or guyed according to approved standards. Wire antennas that are not self-supporting shall be supported by objects within the rear yard.
3. The antenna, including guy wires, supporting structures and accessory equipment, shall be located and designed so as to minimize to the greatest extent possible the visual impact on surrounding properties and from public streets. Antennas shall be screened from view through the addition of anti-climb fencing and architectural features or evergreen landscaping that harmonize with the elements and characteristics of the property, provided, however, that no screening shall be required which would inhibit adequate reception. Screening by fencing or plantings may be waived if natural terrain and landscaping provide adequate screening. The materials used in constructing the antenna shall not be unnecessarily bright, shiny, garish or reflective, and all antennas shall blend with the surrounding environment.
4. Antennas shall meet all manufacturers specifications. The mast or tower shall be of non-combustible and non-corrosive hardware, such as brackets, turn buckles, clips and similar type equipment subject to rust or corrosion, and shall be protected with a zinc or cadmium coating by either galvanizing or a similar process after forming. These finishes are selected to guard against corrosion and to protect the element against electrolytic action due to the use of adjoining dissimilar metals.

5. Power control and signal cables to or from the antenna shall be by underground conduit.
6. All antennas shall be located, designed, constructed, treated and maintained in compliance with the requirements of the BOCA Basic Building Code and the requirements set forth below. The requirements below have been designed with the intent of advancing and achieving health, safety and aesthetic interests and objectives and are further intended to operate so as not to impose unreasonable limitations on, or prevent, reception of satellite delivered signals or to impose costs on the users which are excessive in light of the cost of purchase and installation.
7. No antenna or antenna structure located in the Town, regardless of when it was erected, shall be used as a sign or as a supporting structure for any sign or lettering.

C. **Antennas in residential districts.** In addition to the provisions in subsections A and B above, antennas in the residential districts shall be subject to the following regulations:

1. No lot shall contain more than two (2) antennas, not more than one (1) of which may be a satellite dish antenna.
2. Antennas shall be located in the rear yard only and shall be located from any property line a distance of at least ten (10) feet or the height of the antenna, whichever is more restrictive.
3. Roof-mounted antennas of any type shall not extend higher than fifteen (15) feet above the highest point of the roof, provided that satellite dish antennas shall not be permitted on the roof unless necessary for reception. In such instances, no roof-mounted satellite dish antenna shall exceed eight (8) feet in diameter nor extend higher than ten (10) feet above the highest point of the roof. A roof-mounted satellite dish antenna shall be of mesh construction. Such satellite dish antenna shall be located, if reception is possible at such location, on roofs when the satellite dish is shielded from view from the street or by other portions of the roof or structure.
4. The height of ground-mounted accessory antennas of any type shall not exceed forty-five (45) feet, provided, however, that ground-mounted dish antennas shall not exceed a diameter of ten (10) feet nor exceed a height of twelve (12) feet.

D. **Antennas in non-residential districts.** In addition to the provisions in subsections A and B above, antennas in the non-residential districts shall be subject to the following regulations:

1. Antennas shall be located in the rear yard only and shall be located from any property line a distance of at least ten (10) feet or the height of the antenna, whichever is more restrictive.
2. An antenna may be erected on the roof of a building, provided that the building, including the antenna, falls within the height limits established for the district, provided that satellite dish antennas subject to this article shall not be permitted on the roof.
3. The height of ground-mounted antennas shall not exceed forty-five (45) feet, provided, however, that ground-mounted dish antennas shall not exceed a diameter of sixteen (16) feet nor exceed a height of eighteen (18) feet.

§ 13.05. BULK STORAGE OF FLAMMABLE OR HAZARDOUS CHEMICALS.

All above ground and underground bulk storage of liquefied petroleum gases, gasoline, diesel fuel, kerosene, No. 2 fuel, fuel oil, chemicals or similar hazardous, flammable or combustible liquids in any amount is prohibited in all zone districts. Underground or basement storage of up to five hundred and thirty (530) gallons of kerosene or No. 2 heating fuel used exclusively for heating purposes on the premises is exempted from the above prohibition. Furthermore, and notwithstanding the above prohibition, above ground and underground bulk storage of the following materials is permitted at public garages, gasoline service stations, gasoline filling stations and automobile sales operations, if the use of such materials is accessory to the principal use on the site:

- A. gasoline, diesel fuel and other approved fuels for motor vehicles, stored in accordance with all applicable State and Federal regulations, and intended to be dispensed from pumps to motor vehicles operated by the general public;
- B. up to two hundred and seventy-five (275) gallons of motor oil, transmission fluid or other similar automotive fluids, all of which must be stored above ground in approved storage tanks, provided, however, that outdoor storage of such materials in 55-gallon drums shall not be permitted and further provided that only such fluids with a flash point at or above two hundred degrees (200°) Fahrenheit shall be permitted to be stored above ground in bulk; and,

- C. up to three hundred and fifty (350) gallons of waste motor oil, waste transmission fluid or other similar automotive waste fluids, all of which must be stored above ground in approved storage tanks, provided, however, that outdoor storage of such materials in 55-gallon drums shall not be permitted and further provided that only such waste fluids with a flash point at or above two hundred degrees (200°) Fahrenheit shall be permitted to be stored above ground in bulk.

§ 13.06. STORAGE AND DISPENSING OF LIQUEFIED PETROLEUM GAS.

The above-ground storage of liquefied petroleum gas shall be prohibited in all zone districts except the C zone district. In the C zone district, the following regulations shall apply to such storage and dispensing:

- A. Any such storage tank shall not exceed one thousand one hundred (1,100) gallons water capacity.
- B. Any such storage of liquefied petroleum gas shall only be used to refill twenty (20) pound liquefied petroleum gas tanks.
- C. The plans for the installation of any such tank shall be approved by the State Department of Labor and Industry prior to installation.